

## Message Text

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ACTION L-03

INFO OCT-01 IO-14 ISO-00 AF-10 ARA-16 EA-11 EUR-25 NEA-10

RSC-01 EB-11 SCA-01 SY-10 USSS-00 A-01 CIAE-00

DODE-00 PM-07 H-03 INR-10 NSAE-00 NSC-10 PA-04 PRS-01

SPC-03 SS-20 USIA-15 ACDA-19 DRC-01 /207 W

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R 262317Z OCT 73

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TO SECSTATE WASHDC 534

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E.O. 11652: NA

TAGS: UNGA, PINS

SUBJ: UNGA--LEGAL COMMITTEE--PROTECTION OF DIPLOMATS

1. AT MORNING MEETING OF DRAFTING COMMITTEE OCT 26, IT AGREED NOT TO INCLUDE REFERENCE TO INTERNATIONAL ORGANIZATIONS (SUGGESTED BY BRAZIL) IN ARTICLE 4 OF CONVENTION ON PROTECTION OF DIPLOMATS. THIS COMPLETED DRAFTING COMMITTEE SECOND READING OF ARTICLE 4.

2. IN ARTICLE 5, IT AGREED TO SUBSTITUTE WORDS "WITHOUT DELAY" FOR WORD "IMMEDIATELY." IT ALSO AGREED TO ACCEPT SOVIET AMENDMENT (A/C.6/L.906) TO INSERT REFERENCE TO STATELESS PERSONS. THIS APPEARED TO COMPLETE AGREEMENT ON ARTICLE 5, BUT THEN FRENCH REP (JOUANNEAU) PRESSED FOR INCLUSION OF HAGUE LANGUAGE, "UPON BEING SATISFIED THAT THE CIRCUMSTANCES SO WARRANT", AT BEGINNING OF ARTICLE. ILC TEXT SUPPORTED BY USSR, BULGARIA, AND US, WHILE INSERTION OF THIS LANGUAGE SAID TO BE ACCEPTABLE BY OTHERS WHO SPOKE.

3. AT AFTERNOON MEETING OF DRAFTING COMMITTEE OCT 26, VIRTUALLY NO PROGRESS MADE. AFTER ANOTHER LENGTHY REVIEW  
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OF FRENCH SUGGESTION FOR INCLUSION OF HAGUE LANGUAGE IN

ARTICLE 5, SOVIETS SAID THEY MIGHT BE ABLE TO ACCEPT HAGUE CONVENTION ARTICLE 6 LANGUAGE, BUT NOT A MIXTURE OF LANGUAGE FROM THE HAGUE CONVENTION AND FROM THE ILC DRAFT. THEY REQUESTED TIME TO CONSIDER THIS APPROACH, WHICH FRENCH REP AND US REP SAID WOULD BE ACCEPTABLE IF IT BROUGHT A COMPROMISE.

4. COMITE NEXT DISCUSSED, WITHOUT REACHING ANY CONCLUSION, WHICH STATES SHOULD BE ENTITLED TO COMMUNICATIONS UNDER ARTICLE 5(1), WITH JAPAN SUGGESTING THAT LIST OF STATES BE BROUGHT INTO LINE WITH STATES THAT HAVE PRIMARY JURISDICTION UNDER ITS AMENDMENT ON JURISDICTION, WHICH ADOPTED BY LEGAL COMITE OCT 25.

5. DRAFTING COMMITTEE ALSO CONSIDERED WHETHER TO INSERT "DIPLOMATIC OR CONSULAR" BEFORE "REPRESENTATIVE" IN PARA 2 OF ARTICLE 5, AND THERE WERE SEVERAL VIEWS GIVEN ON POSSIBLE LANGUAGE, BUT OTHERS MADE APPEALS TO LEAVE ILC TEXT AS IS ON THIS POINT (WHICH CHAIRMAN THOUGHT DRAFTING COMMITTEE HAD ALREADY DECIDED TO DO). IN THIS CONNECTION, UAE REP INSISTED THAT PROVISION BE MADE AS TO WHO WOULD BE ENTITLED TO COMMUNICATE WITH A STATELESS ALLEGED OFFENDER, AND DISCUSSION GOT BOGGED DOWN ON THIS ISSUE.

6. CHAIRMAN SAHOVIC SUGGESTED CANCELLING MEETING OF DRAFTING COMMITTEE THAT HAD BEEN SCHEDULED FOR OCT 27. UK REP OBJECTED AND SAID THAT IN VIEW OF SLOW PROGRESS OCT 26 AND OF AMOUNT OF WORK REMAINING TO BE DONE, THERE SHOULD BE MEETING. BULGARIA, TUNISIA, MALI, AND UAE FAVORED CANCELLATION. FRANCE AND US SUPPORTED HOLDING THE MEETING. SAHOVIC SAID IT IMPOSSIBLE TO MEET IF THERE NO CONSENSUS TO MEET, BUT US OBJECTED THAT WE SHOULD MEET AT ALL AVAILABLE OPPORTUNITIES. SAHOVIC PUT ISSUE TO VOTE AND, WITH 8 IN FAVOR OF MEETING OCT 27(OUT OF 15 MEMBERS OF DRAFTING COMMITTEE), IT DECIDED TO HOLD MEETING.  
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